

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION (CWP) NO. 69 OF 2017

(Tushar Sahebrao Dalal (in Jail) vs. DIG (Prison), (East), Nagpur & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.
MARCH 29, 2017.**

Heard Shri Mir Nigman Ali, learned counsel for the applicant and Shri A.S. Fulzele, learned APP for the non-applicants.

2. Furlough leave has been declined on the ground of earlier late surrender, consequential registration of an offence under Section 224 of Indian Penal Code and an offence under Section 506 of I.P.C. All this is when he was released on furlough leave on 29.09.2015.

3. The records, however, show that thereafter in 2016, he was allowed to proceed on parole and reported back on due date. The apprehension expressed by the respondents is about inability of surety to keep control on movements of the petitioner. The surety is residing at Kuhi.

4. Shri Ali, learned counsel, upon instructions, states that the petitioner shall also stay with his family at Kuhi during the period of his furlough leave.

5. In view of this statement, we find that the petitioner is entitled to be released for enjoying furlough leave.

6. Accordingly, subject to the respondents

obtaining proper bonds and undertaking from the petitioner as also from his surety on above lines, the petitioner shall be released on furlough leave within a period of two weeks from today.

7. Writ Petition is accordingly disposed of. No costs.

JUDGE

JUDGE

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